



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/601,093	06/20/2003	Kaoru Haruna	FY.50639US0A	9756
20995	7590	10/23/2006	EXAMINER	
KNOBBE MARTENS OLSON & BEAR LLP 2040 MAIN STREET FOURTEENTH FLOOR IRVINE, CA 92614				RESTIFO, JEFFREY J
			ART UNIT	PAPER NUMBER
			3618	

DATE MAILED: 10/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/601,093	HARUNA ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Jeffrey J. Restifo	3618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 27 July 2006.

2a)  This action is **FINAL**.                    2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## **Disposition of Claims**

4)  Claim(s) 1-26 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) 12-17, 24 and 25 is/are allowed.

6)  Claim(s) 1-5, 7-11 and 18-22 is/are rejected.

7)  Claim(s) 6, 23 and 26 is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on 20 June 2003 is/are: a)  accepted or b)  objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All    b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_

4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_ .  
5)  Notice of Informal Patent Application (PTO-152)  
6)  Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3, 5, 7, and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Westburg (US 3,718,341 A).

Westburg discloses a ski comprising a body 11, brackets 18 with pivot points, wear bar 12, and a detachable, adjustable glide member 26 disposed on the bottom of the ski and extending below and around the wear bar at an angle and located forward and rearward of the brackets, as shown in figures 1-5.

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Westburg, as applied to claim 1 above, and further in view of Methany (US 5,040,818 A).

Westburg does not disclose a keel with cleat. Methany does disclose a ski comprising a keel 304, 305 with recess for housing a wear bar 115 and cleat 116, as shown in figure 3. It would have been obvious to one having ordinary skill in the art at the time of the invention to have provided the ski of Cook et al. with the keel, cleat, and wear bar of Methany in order to increase steering ability.

3. Claims 4 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Westburg, as applied to claim 1 above.

With respect to claims 4 and 8, simply adding extra glide members and/or making them integral with the ski is not patentable unless it produces an unexpected result and therefore it would have been obvious to one having ordinary skill in the art at the time of the invention to have given the ski of Westburg and extra glide member and made them integral with the ski in order to increase steering control and increase strength of the connections.

4. Claims 18-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cook et al. and in further view of Methany (US 5,040,818 A).

Cook et al. discloses a snowmobile comprising an engine, drive track, transmission, steering mechanism, and skis (all conventional), wherein each ski 10 includes bracket (not numbered), pivot point 16, and an adjustable glide member 30 protruding from the bottom surface of the ski rear of the pivot point, as shown in figures 1-3. Cook et al. does not disclose the ski as having a keel with wear bar. Methany does disclose a ski comprising a keel 304, 305 with recess for housing a wear bar 115 and cleat 116, as shown in figure 3. It would have been obvious to one having ordinary

skill in the art at the time of the invention to have provided the ski of Cook et al. with the keel, cleat, and wear bar of Methany in order to increase steering ability.

With respect to claim 19, the glide member of Cook et al. could easily be placed in front of the pivot point without affecting the function of the glide member.

***Allowable Subject Matter***

5. Claims 12-17, 24, and 25 allowed.
6. Claims 6, 23, and 26 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

7. Applicant's arguments with respect to claims 1-11, 22, 23 have been considered but are moot in view of the new ground(s) of rejection. With respect to the applicant's arguments concerning claim 18, the limitation of "means for preventing a portion of the wear bar from entering the snow" could read on any structure on a ski because snow is various shapes and density and any protrusion, such as the prong 30 of Cook et al., could cause a portion of a wear bar to not make contact with snow, for this reason the rejection stands.

***Conclusion***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey J. Restifo whose telephone number is (571) 272-6697. The examiner can normally be reached on M-F 10-7.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Ellis can be reached on (571) 272-6914. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



JJR

Jeffrey J Restifo  
Primary Examiner  
Art Unit 3618